

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ERNEST J. GLYNN, et al.,)	
)	
Plaintiffs)	
)	
v.)	2:19-cv-00176-NT
)	
MAINE OXY-ACETYLENE SUPPLY)	
CO., et al.,)	
)	
Defendants)	

MARTIN J. WALSH,)	
)	
Plaintiff,)	
)	
v.)	2:20-cv-00326-NT
)	
MAINE OXY-ACETYLENE SUPPLY)	
CO., et al.,)	
)	
Defendants)	

**ORDER ON DEFENDANTS’
MOTIONS TO CONSOLIDATE CASES**

Defendants Maine Oxy-Acetylene Supply Co. (“Maine Oxy”), Daniel Guerin, and Bryan Gentry are parties in two pending actions, *Glynn, et al. v. Maine Oxy-Acetylene Supply Co., et al.*, No. 19-cv-00176-NT, and *Walsh v. Maine Oxy-Acetylene Supply Co., et al.*, No. 2:20-cv-00326-NT. The matters are before the Court on Defendants’ motions to consolidate the two cases for trial. (2:19-cv-00176-NT, ECF No. 144; 2:20-cv-00326-NT, ECF No. 91.) The other parties to the actions do not oppose the motions. The Court previously consolidated the matters for discovery.

“A Court may consolidate two actions if they ‘involve a common question of law or fact.’ Fed. R. Civ. P. 42(a). Consolidation is best understood ‘not as completely merging the constituent cases into one, but instead as enabling more efficient case management while preserving the distinct identities of the cases and the rights of the separate parties in them’” *Sea Salt, LLC v. Bellerose*, Nos. 2:18-cv-00413-JAW, 2:20-cv-00090-JAW, 2021 WL 1431064, at *4 (D. Me. Apr. 15, 2021) (quoting *Hall v. Hall*, --- U.S. ---, 138 S.Ct. 1118, 1125, 200 L.Ed.2d 399 (2018)). Here, given that the plaintiffs in each case seek relief based on the same alleged conduct by Defendants and some similar theories, the cases involve common questions of law and fact. The Court, therefore, grants the motions to consolidate. The matters shall be consolidated for trial. The consolidation does not merge any claims and defenses. The parties may assert the same claims and defenses as they asserted in the separate actions.

NOTICE

Any objections to the Order shall be filed in accordance with Federal Rule of Civil Procedure 72.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 5th day of April, 2022.